

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JACQUELINE NOWICKI-HOCKEY,

Plaintiff,

v.

Case Number 11-10482
Honorable Thomas L. Ludington

BANK OF AMERICA,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
IN PART AND DENYING IN PART DEFENDANT'S MOTION TO DISMISS**

This matter is before the Court on the report and recommendation (ECF No. 36) issued by Magistrate Judge Charles E. Binder on February 10, 2012, on Defendant's motion to dismiss (ECF No. 27). Judge Binder recommends that the Court grant the motion in part and deny the motion in part. Specifically, Judge Binder recommends that the Court grant the motion to dismiss count three of the complaint, which asserts a claim under the Michigan Consumer Protection Act, and deny the motion to dismiss count two of the complaint, which asserts a breach of contract claim.

Any party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* The Court is not obligated to review the portions of the report to which no objection was made. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). As of today's date, no party has filed any objections to Judge Binder's report and recommendation.

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation (ECF No. 36) is **ADOPTED**.

It is further **ORDERED** that Defendant's motion to dismiss (ECF No. 27) is **GRANTED IN PART AND DENIED IN PART**. Count three of the complaint is **DISMISSED**. Count two of the complaint is not dismissed.

Dated: February 24, 2012

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and upon Jacqueline Nowicki-Hockey at 8688 Birdlewood Trail, Howell, MI 48843-6340 by first class U.S. mail on February 24, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS